



# HODSON BROADCASTING

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DOCKET FILE COPY ORIGINAL

March 15, 2004

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, S W  
Washington, D.C 20554

RECEIVED & INSPECTED

MAR 22 2004

FCC - MAILROOM

**Re: MB Docket No. 04-25 (RM-10849)**

Dear Ms Dortch

Hodson Broadcasting respectfully submits the enclosed Comments for filing in opposition to the Commission's Notice of Proposed Rule Making (*DA 04-288*, released February 9, 2004) concerning the reallocation of FM Channel 300C (107.9 MHz) from Laughlin, Nevada, to Meadview, Arizona. Pursuant to Sections 1.415(a) and (b), plus Section 1.419(b) of the Commission's Rules, please find enclosed an original (paper-clipped), plus four (4) copies (stapled) of my company's pleading which pertains to the above-mentioned proceeding. A certificate of service and mailing to the petitioner's counsel of record, pursuant to Sections 1.420(a) and (c), plus Sections 1.47(d) and (f) of the Commission's Rules, is included at the conclusion of the Comment section of this submission.

Another simple matter, that seems to have somehow become quite complex, also needs your attention Marlene. I have tried on several occasions to informally e-mail both [fccinfo@fcc.gov](mailto:fccinfo@fcc.gov) and [webmaster@fcc.gov](mailto:webmaster@fcc.gov) to notify them that several Electronic Comment Filing System (ECFS) errors exist that need correction. Please allow me to draw your attention to the Search for Filed Comments portion of your Internet website. When accessing the "Filed on Behalf of" field (#5) and searching for my company, Hodson Broadcasting, you will find 16 documents, where there should only be 12. What has obviously happened is that multiple mistakes occurred during the scanning and creation of many of these file records. I'll explain exactly below, so that you can personally investigate this situation and remove/repair the record to accurately reflect Hodson Broadcasting's formal filings.

Working chronologically, there are NO PROBLEMS with RM-9470 (Petition for Rule Making, Tecopa, CA, 11 pages, received 12/4/98), 99-46 (Comment, 61 pages; received 4/5/99); 99-118 (Opposition Comment, 44 pages, received 5/28/99), 01-317 (Comment, 35

pages, received 2/28/02), 00-244 (Comment, 34 pages [cover letter to your Office omitted/not scanned], received 2/28/02); 01-317 (IRFA Comment, 8 pages, received 2/28/02); and 00-244 (IRFA Comment, 8 pages, received 2/28/02).

The next record, 01-135 (received 3/26/02) is categorized as a letter, when actually it is an Opposition Comment, very similar to proceeding 99-118 noted above. Anyway, the FCC staff responsible inadvertently scanned this pleading twice. Viewing the file online will immediately reveal how this document, originally only a 10 page submission with a cover letter to your Office (for 11 pages total), somehow became almost double the page length it should have been because of inattentive handling at the Commission.

The next *eight* records are Reply Comments (all received on 1/29/03) and should really only be four, one duplicate document for each proceeding (00-244, 01-317, 01-235, and 02-277). The original submission was 85 pages plus a cover letter to your Office, for a total of 86 pages. Observing from the eight faulty record summaries, this exact same document is listed amongst these various records as anywhere from 78 pages to 85/86 pages, depending on the listing. Furthermore, when you examine ANY of these eight problematic scanned records to determine which pages were omitted, you will discover NONE contain the complete document for viewing or research purposes. Please don't confuse that information with the multiple pdf (Acrobat Reader) files associated with each record, as I am aware and understand that larger submissions are sometimes broken down into several "views" for convenience and time reduction in retrieval. When this is done however, all pdf files associated with that particular record should result in the complete record in that filing, which is repeatedly not the case in the eight records we are discussing here. Since each document page is also numbered, you will plainly see many of these faulty files scanned out of order and/or incomplete. To thoroughly demonstrate what a mishmash the octo-record viewing hyperlinks really are, I challenge you to take all and/or any of the eight listings highlighted via ECFS, and attempt to reconstruct in any coherent manner, the 86 page presentation that I formally submitted to your Office more than a year ago.

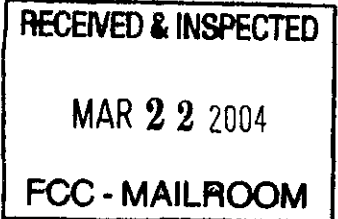
Once you've looked into it Marlene, you will completely understand my complaint and strongly realize a remedy is in order and long overdue. You would be amazed how many interested parties, including family, friends, colleagues, and constituents, that have unsuccessfully attempted to access, view, and/or print Hodson Broadcasting's public records with the FCC via the Internet, and have repeatedly expressed their concern to me during the last fourteen months. If you have any further questions regarding resolving this matter, please feel free to call me at home, (702) 878-0773, and I will address your inquiries. I sincerely appreciate your time, effort, and assistance to rectify these multiple scanning oversights and other administrative errors by your co-workers at the FCC.

Prayerfully yours,

*Richard Dean Hodson*

Richard Dean Hodson, d/b/a/  
Hodson Broadcasting

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554



In the Matter of

Amendment of Section 73.202(b),  
Table of Allotments,  
FM Broadcast Stations  
(Laughlin, NV and Meadview, AZ)

MB Docket No. 04-25  
RM-10849

To Chief, Audio Division  
Media Bureau

**COMMENTS**

Hodson Broadcasting, a sole proprietorship formed by Richard Dean Hodson (hereafter called "Hodson"), pursuant to Sections 1.415(a) and (b) of the Commission's Rules, respectfully submits the following "Comments" in opposition to the *Notice of Proposed Rule Making* in the above-captioned proceeding.<sup>1</sup> The *Notice* proposed to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, by reallocating Channel 300C from Laughlin, Nevada, to Meadview, Arizona, as that area's first local aural transmission service, provided the issues of community status, population discrepancies, and tower site availability are resolved. See instant *NPRM* at ¶5. The Commission adopted this *NPRM* in response to a Petition for Rule Making, submitted by the legal counsel of Desert Sky Media, LLC (hereafter called "DSM") and received at the Commission on May 8, 2003.

After thoroughly examining both the Commission's *NPRM* and DSM's Petition, Hodson was compelled in the Spirit to file comments which adamantly oppose this manipulation of the FM Table of Allotments on several grounds. At first glance, one might believe that this is just a common change of community proceeding with nothing special or unusual to consider. However, to truly understand DSM's ulterior motives for their desire to modify the licensed community for FM Station KVGs (107.9 MHz), it is imperative to expand the scope of several interrelated issues, for a complete and informative record in this matter. Hodson will enlighten the Commission by examining DSM's parent companies,

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<sup>1</sup> The *Notice* was released February 9, 2004 (DA 04-288). The *NPRM* (¶9) specified "interested parties may file comments on or before April 1, 2004, and reply comments on or before April 16, 2004." Thus, the instant comments by Hodson are timely filed.

Marathon Media Group, L.L.C. (hereafter called “MM”) and Alta Communications, et al (hereafter called “Alta”), and their dismal, embarrassing, and selfish record of frequently wanting to change communities for the sole purpose of serving metropolitan areas as “move in/drop in” signals, without conscience or concern for the actual community of license. Furthermore, Hodson will describe in detail several examples of how MM and Alta, in conjunction with their regional subsidiaries, have demonstrated a pathetic pattern of disregard for various Commission’s Rules and violated the spirit of Sections 73.211 (Maximum Distance Limits); 73.1120 (Station Location); 74.1231 (FM Booster Service Provisions); 74.1235 (Power Limitations and Antenna Systems), and 74.1237 (FM Booster Antenna Location).<sup>2</sup> Thereafter, Hodson will address specific objections relating to the instant *NPRM* proposal. Finally, Hodson will convincingly “connect the dots” in this proceeding, and thus strongly encourage the Commission to not only terminate DSM’s change of community petition without action, but instead issue, at the very least, a Letter of Inquiry (LOI) toward DSM, to answer why they have consistently neglected and abandoned these highlighted communities of broadcast license assignment, just to greedily serve and market exclusively to a top 40 radio area (Las Vegas, Nevada). Please allow this opposition filing to double as a formal complaint, if need be, to commence and justify an Enforcement Bureau investigation into the unjust steward practices of DSM, MM, and Alta.

DSM is only one corporate element of a massive conglomeration of media companies headed by MM and Alta. Whereas similar radio goliaths, such as Clear Channel, place all their broadcast licenses mostly under one business umbrella, MM & Alta instead play a supersized shell game with a majority of their properties, making it quite a complex chore just

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<sup>2</sup> The maximum limits chart contained in 47 C.F.R. §73.211(b)(1) specifies that for a Class C FM station, 92 kilometers is the farthest contour distance allowable under Commission’s Rules. Section 73.1120 directs that each AM, FM, TV and Class A TV broadcast station will be licensed to the principal community or other political subdivision which it primarily serves. This principal community (city, town or other political subdivision) will be considered to be the geographical station location. §74.1231(h) reveals that FM broadcast booster stations provide a means whereby the licensee of an FM broadcast station may provide service to areas in any region *within* (not to expand) the primary station’s predicted, authorized service contours (70 dBu). The Note after ¶(h) of this Section adds: In the case of an FM broadcast station (smaller than a full power Class C) authorized with facilities in excess of those specified by §73.211 of this chapter, an FM booster station will only be authorized within the protected contour of the class of station being rebroadcast as predicted on the basis of the maximum powers and heights set forth in that section for the applicable class of FM broadcast station concerned. §74.1235(c) requires that the effective radiated power of FM booster stations shall be limited such that the predicted service contour (70 dBu) of the booster station *may not extend beyond* the corresponding service contour of the primary FM station that the booster rebroadcasts. §74.1237(d) instructs that the transmitting antenna of an FM booster station shall be located within the protected contour of its primary station, subject to Note, §74.1231(h). Italics and parentheses added.

to discover who owns how much of what. For instance, between these two amalgamated parents, MM & Alta require 69 pages to completely list their disclosed holdings.<sup>3</sup> To summarize the findings, Hodson generally counted 70 facilities under 24 different companies for MM, while Alta's principals were so inextricably interweaved that its subsidiaries numbered more than sixty, with approximately 300 various media outlets, some of which were repetitive with MM. Since national broadcast ownership limitations of radio and television licenses<sup>4</sup> are no longer relevant and local caps are not in question for this proceeding, Hodson will concentrate instead on four particular FM broadcast licenses commonly owned by either MM, Alta, or some combination of both. They are: KPKK, Amargosa Valley, NV (Facility ID# 87384), KOAS, Dolan Springs, AZ (Facility ID# 25692), KPLD, Kanab, UT (Facility ID# 55399); and KVGS, Laughlin, NV (Facility ID# 25752).

KPKK, Channel 266 (101.1 MHz) has had a rocky and difficult evolution before finally getting on the air. Amargosa Valley Broadcasters (hereafter called "AVB"), headed by longtime Southern Nevada new car dealer Jim Marsh, originally petitioned the Commission to amend the FM Allotment Table on August 7, 1996. After a routine *Notice & Comment* period for MM Docket No. 96-180 (RM-8863), a *R & O* (DA 97-715) was released on April 18, 1997, which amended the FM table of allocations to reflect Channel 266A for Amargosa Valley, Nevada, and announced an application filing window from June 2, through July 2, 1997. Two parties filed, AVB and Greg Wells, before competitive bidding practices were fully instituted. Because of mutual exclusivity, the Amargosa allotment was then scheduled for Closed Broadcast Auction #25 as MX Group FM94. However, after Form 175 filing was complete in September 1999, AVB became a singleton, which then bypassed the auction. Having the green light to proceed, AVB requested the call letters KPUP and pursued a one-step upgrade to a Class C1 facility, which was eventually approved. Marsh primarily wanted KPUP as a promotional media outlet to economically market the opening of his new Longstreet Hotel & Casino on the California/Nevada border. Unfortunately, the strain of constructing both a broadcast facility and casino simultaneously from scratch, plus the slump in automobile sales, took a severe toll on AVB over the next 18 months. By July 2001, AVB

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<sup>3</sup> See FCC Form 323: Ownership Report(s) for Marathon Media Group, L.L.C. and Desert Sky Media, LLC, Exhibit(s) #3, Other Broadcast/Media Interests.

<sup>4</sup> See *Telecommunications Act of 1996*, Pub. L. No. 104-104, §§202(a) and (c)(1)(A), 110 Stat. at 110-111.

struck a six figure CP assignment deal with Argosa Broadcasting, L.L.C. (hereafter called "AB"), controlled by Todd Robinson. Around this time and unaware of Marsh's plan to sell his unbuilt FM facility, MM attempted unsuccessfully to negotiate a channel change consent with AVB, in conjunction with their counterproposal in MM Docket No. 01-135 (RM-10154), which is still pending before the Commission and will be further addressed infra. Within one year, greedy AB quickly reassigned the hot-potato CP to Sky Media, L.L.C. (hereafter called "Sky"), which is one of the many MM subsidiaries mentioned supra. The permit was due to expire on July 19, 2003, but with their enormous parent company financial backing, Sky was able to hastily construct and get a license to cover granted on August 14, 2003. Sky changed the calls to the current KPKK and is simulcasting continuous KOAS programming, only acknowledging the former station during required legal identifications.<sup>5</sup> Because this is a main commercial FM station and not just a translator or booster, Hodson is very concerned that Sky is not adhering to public file and toll-free or local phone access obligations for the residents in Amargosa Valley, as well as not having the ability to originate emergency and/or community programming, since KPKK does not have a main studio, just a relay/transmitter site.<sup>6</sup> Perhaps Sky's parent company, MM, decided to walk a fine line of rigging something up so as to not lose the CP before it expires, yet not fully finance the operation until a resolution is rendered on their three year outstanding counterproposal in RM-10154.

KOAS, Channel 289C (105.7 MHz) developed in part through a counterproposal by Mag Mile Media, L.L.C. (hereafter called "MMM") in MM Docket No. 99-271 (RM-9800). The original petitioner, Centennial Broadcasting Licensee, LLC (hereafter called "CBL") wanted to change Channels and Classes for FM Station KSTJ from 288C2 to 274C, and

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<sup>5</sup> This duplication of programming does not rise to the level of licensee misconduct or an infraction, as §73.3556(a) reads: No commercial AM or FM radio station shall operate so as to devote more than 25% of the total hours in its average broadcast week to programs that duplicate those of any station in the same service (AM or FM) which is commonly owned or with which it has a time brokerage agreement if the principal community contours (predicted or measured 5 mV/m groundwave for AM stations and predicted 3.16 mV/m for FM stations) of the stations overlap and the overlap constitutes more than 50% of the total principal community contour service area of either station. (b) For purposes of this section, duplication means the broadcasting of identical programs within any 24 hour period. Station identification is legally required hourly via §73.1201(a)(2) of the Commission's Rules.

<sup>6</sup> See *Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, 13 FCC Rcd at 15692 and n.3 (1998), modified, 14 FCC Rcd 11113 (1999). See also 47 C.F.R. §73.1125(e) (Oct. 1, 2003 Edition).

shuffle several other active broadcast facilities to accommodate their filing that included KFLG-FM, licensed at that time to Bullhead City, Arizona, and operated on Channel 274C by MMM, which had acquired the facility via a four station deal, also in 1999, from Regent Licensee of Kingman, Inc. MMM requested a now familiar and unsurprising community change from Bullhead City to Dolan Springs, plus an allotment for Mohave Valley, all in Arizona. The *R & O* (DA 00-1331) was released on June 16, 2000, which finalized a mixed combination of CBL and MMM suggestions. MMM and DSM are both MM company offsprings, so just a convenient switch from the right hand to the left, plus a routine Commission license assignment application in October 2000, and then business as usual Country formatted KFLG-FM, using those calls (with suffix) since January 1991, humorously adopted the letters KBYE in December 2000, then went dark while they changed transmitter sites. A FM booster CP for Henderson, a suburb of Las Vegas, Nevada, was filed July 2001, with subsequent license grant in October 2001. In August 2001, they resumed broadcasting under the new calls KOAS and changed the format to smooth jazz. Finally, a recent modification application for KOAS-FM1 was approved January 2004. The disheartening and disappointing portion of this history lesson is that for a station licensed to serve the community of Dolan Springs, Arizona, DSM has completely abandoned these residents. In over 30 months since returning to air, KOAS has done naught to assist or promote the Dolan Springs area. They cater exclusively (via their FM booster) to Las Vegas, Nevada, a top 40 radio market located approximately 103 kilometers distant from their assigned community in Arizona. The programming reflects strictly Vegas - Hodson has never heard one business advertisement from Dolan Springs or even a remote or public affairs presentation dealing with Dolan Springs community issues. Talk about being raped and treated like a stepchild!

KPLD, Channel 266 (101.1 MHZ) initially received a CP in 1983, having call letters KKHK issued February 1984. Due to development difficulties, several extensions of time plus a permit modification from the Commission were requested. In July 1985, KCKK became the new calls, but the station was delayed another 3½ years before finally being granted a Class C1 license to cover on December 13, 1988. March 1992, found the station involuntarily assigned from Jack Jensen to Media Venture Management, Inc. (hereafter called "MVM"), three months later, the station went dark. In August of that same year, the Commission granted a conditional license renewal and approved an assignment from MVM to Red Rock Broadcasting, Inc. (hereafter called "RR"). The new licensee returned the signal

to air as KONY-FM, which lasted almost a decade, from November 23, 1992, until February 4, 2002, when the station held the calls of KEOT for a lengthy two weeks. After changing again to KHUL, the station retained those letters until April 2003, when they adopted the current calls. MM acquired KPLD along with KUNF, an AM facility licensed to Washington, Utah, from RR in May 1999. A month later, a pending one-step application to upgrade from a Class C1 to a full power C was granted. Hodson touched transiently in an earlier portion of this opposition pleading about MM Docket No. 01-135,<sup>7</sup> a pending proceeding in which KPLD is also unquestionably interwoven. Although the proceeding is quite likely to eventually terminate and be dismissed without action on multiple grounds, including the Commission's "no backfill" policy discussed in the now infamous Refugio, Texas,<sup>8</sup> decision, Hodson felt it imperative to relate the general MM counterproposal premise for Commission clarity. Omitting the other three communities in three separate states to perpetuate their outrageous pleading, MM basically wanted to relocate an on-air allotment (KPLD), very similar in nature to this instant case with DSM and KVGS, from Kanab, Utah, to Moapa, Nevada, approximately 193 kilometers distant. What MM (and now their subsidiary, DSM) declined to spell out for the Commission was their true intentions. Their sneaky and shady threefold mission is to first change community of license locations of currently operating FM broadcast stations (preferably Class C) that they control, to fringe areas (within 150 kilometers or less, if possible) outside of major or medium Arbitron markets, that hopefully won't attract attention or be subject to lengthy competitive bidding contention from other parties. Once the change of community rule making is successfully completed, MM (or DSM) then relocates the station's transmitter to a site fixed between the "community" and the metropolitan area, which in these examples are Las Vegas, with enough IIAAT to get a wide 60 dBu (1 mV/m) contour in which to legitimately place a FM booster. To finish the

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<sup>7</sup> MM Docket No. 01-135 (RM-10154) was birthed via a rule making petition filed on June 11, 2001, by Randy Parker of Schleicher County Radio, requesting that Channel 291C2 be allotted to Caliente, NV. Sharon P. McDonald, from the Commission's Policy and Rules Division, quickly reacted by issuing a multiple docket *NPRM* (DA 01-1488) on June 13, 2001. Two counterproposals, both filed on August 13, 2001, one by MM, another by M & M Broadcasting, LLC (hereafter called "M & M"), each advanced numerous Channel substitutions to promote their particular agendas. Original petitioner did not file a continued expression of interest during the comment or reply comment window. Hodson submitted a late-filed brief to complete the record, while MM offered at least four tardy supplements.

<sup>8</sup>See *Application of Pacific Broadcasting of Missouri LLC for Special Temporary Authorization to Operate Station KTKY(FM), Refugio, Texas, Memorandum Opinion and Order*, FCC 03-18, at ¶¶14 & 15 (released February 11, 2003).



tacky and tasteless “triple play”, MM brazenly utilizes the booster not to fill-in nulls within the contour footprint as designed by the Commission, but instead to expand and increase signal coverage areas, thus making a mockery of the Commission’s Rules

Hodson now focuses upon the broadcast license directly involved with this community change petition KVGs, Channel 300 (107.9 MHz) A Class C1 FM construction permit was issued to H & R Broadcasting, Inc (hereafter called “H & R”) in October 1989 Station calls of KLUK were authorized on November 29, 1989, yet an extension of time to build was requested toward the end of March 1991 “Lucky 108” premiered in May 1992, as a hybrid rock formatted station that concentrated on local remotes and live appearances in the tri-city, tri-state (Laughlin, NV, Bullhead City, AZ, and Needles, CA) region In November 1999, H & R assigned the license to MMM, who then effortlessly transferred it, along with sister KOAS, to DSM in October 2000 In April 2000, a one-step application was approved to upgrade from Class C1 to C, as they changed their calls and moniker to KVGs, “V108”, and prepared to flip formats to a R & B hybrid MMM filed for a directional auxiliary permit in August 2000, but several issues with the primary license had to be worked out before the grant would be finalized, which occurred in June 2001 Gaining confidence from favorable Commission action and growing restless to “move in” to the Las Vegas market, 124 kilometers distant from their licensed community of Laughlin, DSM quickly applied for yet another FM booster in Henderson, NV, that was granted November 19, 2001 About the same time as applying for the FM booster, in late June 2001, DSM hired new staff, plus set up business offices and main studios for KVGs/KOAS in Las Vegas, during the next couple of weeks. The transmitter power output (TPO) was reduced during October 2001, and about six weeks later the auxiliary antenna system CP was approved by the Commission The backup license to cover was officially granted in May 2002, and in November 2003, the main license was approved to reflect changes in the vertically polarized antenna field

On June 25, 2003, Hodson examined the Public Files of both KOAS and KVGs, pursuant to Section 73.3526(c)(1) of the Commission’s Rules. Under §73.3526(e)(12), the required quarterly program listing summarizing treatment of community issues, Hodson found listed for both stations only selected generic public affairs, such as the American Heart Association, American Lung Association, Breast Cancer Research & Prevention, United Blood Service, etc The point is, although admirable, these programs could be aired in any and all communities throughout the country More profoundly, they do nothing to address

specific needs or treatment of the community issues germane to Dolan Springs or Laughlin, which KOAS and KVGS are licensed and mandated to respectively serve. Furthermore, DSM's business and sales offices, main broadcast studios and public inspection files for KOAS and KVGS, are all located on Desert Inn Road, in Las Vegas.<sup>9</sup> Hodson concretely contends that 103 kilometers between Dolan Springs and Las Vegas, and 124 kilometers from their other licensed community of Laughlin to Las Vegas in this instant case, are absolutely over the chart maximum mandated in Section 73.211(b)(1) of the Commission's Rules. According to Kevin Terry,<sup>10</sup> consulting engineer for DSM, a main studio waiver demonstrating good cause in the public interest, required under these instances and conditions pursuant to Sections 73.1125(b)(2) and (d) of the Commission's Rules, does not exist for either KOAS nor KVGS, and thus was also not found in their respective Public Files. Absent these obligatory waivers, the location of DSM's main studios in Las Vegas are extremely difficult to justify. Factor in the lack of community service and spot advertisements for Dolan Springs and/or Laughlin residents and businesses over the past 2½ years, and a very violative and deeply disturbing picture becomes crystal clear.

Further analyzing Meadview is truly without merit, especially after the covert community change patterns and other regulation ruses revealed about DSM and their parent firms in just the above four regional representations. Whether DSM estimates a population of 1500, the Commission states 867, or the Mohave County Library District claims 600 residents,<sup>11</sup> there could cynically be tens of thousands of Meadview citizens, but since DSM

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<sup>9</sup>As previously addressed in Footnote 2, the *maximum* Class C FM station *distance limit* is 92 kilometers, specified in the chart found at §73.211(b)(1) of the Commission's Rules. Section 73.1125(a) of the Rules states that each AM, FM, and TV broadcast station shall maintain a main studio at one of the following locations: (1) within the station's community of license; (2) at any location *within the principal community contour* (70 dBu - not within protected [60 dBu] contour or under FM booster's 3.16 mV/m contour footprint) of any AM, FM, or TV broadcast station licensed to the station's community of license, or (3) within 25 miles from the reference coordinates of the center of its community of license as described in §73.208(a)(1). DSM fails to fall under any of these three criteria directives for either KOAS or KVGS main studios. Section 73.3526(b) of the Rules instructs that the public inspection file shall be maintained at the main studio of the station. *An applicant for a new station or change of community shall maintain its file at an accessible place in the proposed community of license or at its proposed main studio.* Italics and parentheses added.

<sup>10</sup>Phone conversation between Terry and Hodson occurred at DSM's offices, 2725 E. Desert Inn Road, Suite 180, in Las Vegas, on June 25, 2003, from 10:40a.m. to 12:45p.m. PDT.

<sup>11</sup>See NPRM at ¶¶4 & 5. See also [www.co.mohave.az.us/1moweb/depts\\_files/library\\_files/meadview\\_branch.htm](http://www.co.mohave.az.us/1moweb/depts_files/library_files/meadview_branch.htm).

is only “using the ‘community’ and running off” to serve the Las Vegas market anyway, what really is the difference if nobody lives there at all or even if it’s truly a community for allotment purposes? According to various coverage maps,<sup>12</sup> the “not ready for prime-time community status” area of Meadview already receives a 3 16 mV/m service contour, so why the unnecessary community change and transmitter site move? Because, in addition to pondered points previously produced, KVGS’s current community of license, Laughlin, is on the perimeter edge of the 70 dBu contour, but because of two mountain ranges (Cerbato and Newberry) and the rough terrain around the Colorado River basin, Hodson has discovered many locations in and around the Laughlin area that receive an attenuated signal lower than 64 dBu (1 584 mV/m), which is below the city grade contour required.<sup>13</sup> The former Oatman transmitter site was much more conducive to eliminating signal dropouts and terrain shadowing within the community of license and immediate surrounding areas. Regarding tower site availability, that shouldn’t be a major issue whatsoever for DSM, because they were specifically seeking economies of scale, by co-locating this Meadview mistake, if granted, alongside its Dolan Springs disaster, and thus consolidating costs for land use, tower space, utility bills, and the like.

It is such a shame that the licensees in this and related proceedings, namely DSM and their parent companies, will not forthright explain to the Commission their pathetic purposes for changing communities of license and divulge their devious desires to “drop in” to distant Arbitron areas. Because we have thoroughly examined under the surface however, Hodson has clearly shown that the petitioners are deceitfully up to no good. In their initial pleading, DSM states “the proposed 70 dBu contour of KVGS will cover less than 50% of any Urbanized Area, thus avoiding any concern with the relocation of stations from rural to urbanized areas.” See DSM’s Petition at p. 3, ¶3. A classic example of misrepresentation to the Commission at its most blatant! How can you possibly achieve a net population gain of over a half **million** persons by (under false pretenses) shifting your signal contour, yet not

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<sup>12</sup> See Reynolds Technical Associates, Proposed Class C 70 dBu Contour (Exhibit I), Figure 2 from DSM Petition’s Engineering Statement, and KVGS Gain/Loss Study (Exhibit E, Figure 3). See also Hodson’s attached Exhibit 1, Figure A (KVGS Current Coverage Map: 70 & 60 dBu Contours).

<sup>13</sup> 47 C.F.R. §73.315(a) avers that the transmitter location shall be chosen so that, on the basis of the effective radiated power and antenna height above average terrain employed, a minimum field strength of 70 dB above one uV/m (dBu), or 3 16 mV/m, will be provided over the *entire* principal community to be served.

consider it to be in any urbanized area? DSM's position is willfully wily and wayward!

It shouldn't have to take a responsible and concerned citizen like Hodson to faithfully watchdog and formally report on the misdeeds and rule violations of other broadcasters trying to obviously pull the wool over the Commission's staff that by happenstance are over 3200 kilometers removed from the community change in question. Much like the "no backfill" policy discussed supra, the Commission has before them now the important opportunity to clarify and refine their objectives involving community of license service and relocation criteria, so that the overlooked loophole issues that Hodson has thoughtfully shed light upon in this proceeding do not continue to be commonplace in similarly situated rule makings. Hodson firmly believes and asserts that both DSM and particularly MM have not operated the specified FM broadcast licenses of KVGS and KOAS in the public interest, convenience, or necessity, and are also not concerned whatsoever about a fair and equitable distribution of the FM broadcast spectrum, as prescribed by Section 307(b) of the Communications Act of 1934, as amended.

Based on the foregoing facts and information, Hodson prayerfully requests that these opposition comments would persuasively influence the Commission to not only reconsider its *NPRM* to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, regarding Channel 300C at Laughlin, Nevada, but would formally refer this matter to the Commission's Enforcement Division to investigate licensee compliance for main studio and transmitter location, FM booster, and community abandonment/neglect infractions for DSM and its parent companies, MM and Alta.

Respectfully submitted,

*Richard Dean Hodson*

Richard Dean Hodson, d/b/a/

HODSON BROADCASTING

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Hodson Broadcasting

P.O. Box 66

Tecopa, CA 92389-0066

March 15, 2004

## **CERTIFICATE OF SERVICE AND MAILING**

I hereby certify that a true and correct copy of these Comments, filed by Hodson Broadcasting, opposing MB Docket No 04-25 (FCC RM-10849), was served upon the Petitioner(s) according to Sections 1 420(a) and (c), and Sections 1 47(d) and (f) of the Commission's Rules, by mailing a copy of stated document, via certified U S. Mail, first class postage prepaid, on the 15<sup>th</sup> day of March, 2004, properly addressed to:

Lee J Peltzman, Esq.  
Shainis & Peltzman, Chartered  
1850 M Street, N.W.  
Suite 240  
Washington, D.C. 20036

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